THE Order of keeping a Court Leet and Court Baron, with the charges appertaining to the same:

Truely and plainely deliuered in the Englishtongue, for the profit *of all men, and most commodious* for young Students of the Lawes, *and all other within the iurisdiction* of those Courts, with diuers new additions thereunto added.

Quicquid agas prudenter agas, & respice finem.

LONDON,
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Cum Priuilegio.

THE ORDER OF Court Leet and Court Baron.

FIrſt, there ſhall be a Precept made by the Steward vnto the Bailife, to warne the Court, by a reaſonable time: that is to ſay, ſixe or more daies before the Court be kept, in ſuch forme as followeth: But it is the better, if warning be ſixteene daies before, as it is in the Common Banke.

The Precept.

Blackford. A. B. *generoſ. Seneſchall Manerij prædicti Balliuo eiuſdem Salutem. Tibi præcipio pariter & mando, quod diligenter præmonere facias omnes tenentes infra manerium prædictum, tam reſidentes quam non reſidentes, atque omnes tenentes Cuſtomarios Manerij præd', quod ſint coram me, in hac parte ſufficienter deputato, apud Blackeford prædictam, die Iouis viceſimo ſexto die Martij proxime futuro*

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post datum huius ad faciendum sectam suam, tã ad visum Franc' pleg' quam ad Curiam Baron' & omnia alia quæ eis incumbent, & pertinebunt, & hac nullatenus omittas: Et habeas ibi hoc præceptum. Datum sub sigillo meo, decimo die huius mensis Martij, Annis Regni Iacobi Dei gratia Angliæ, Franciæ, & Hiberniæ Regis, fidei defensor. &c. secundo, & Scotiæ tricesimo octauo.

After that the steward is set in the Court, he must first enter in writing the Title of the Court in the beginning of the Court Rolle, with the name of the place in such forme as followeth.

The entrie of the Court Leet, and Court Baron.

Blaskeford. VIsus Franc' pleg' cum curia C. L. generosi Domini eiusdem ibidem, tenť die Iouis, videlicet, vicesimo sexto die Martij Annis Regni Domini nostri Iacobi Dei gratia Angliæ, Franciæ, & Hiberniæ Regis fidei defensoris &c. secundo, et Scotiæ tricesimo octauo, tenť per A. B. Seneschallum ibidem.

When that is done, the Steward shall cause the Bailife which serueth the Court, if it be in a Leet, to make proclamations, that is to say, three Oyes: and if it be in a Court Baron, then but one, and after shall say as fol-

followeth.

All maner of persons which had warning to appeare here this day, to serue the Kings Maiestie for his Leet, and the Lord of the Manno⁊, for his Court now holden: Draw neere & giue your attendance, and euery one answere to his name as he shall be called, vpon paine and perill that may fall thereof.

And after all be called, and those that are absent be marked to be amerced, then the Steward shall cause againe (if it be in a Leet) to be made other three Oyes. Then after the three proclamations made, the Steward shal cause the Bailie to say.

If any will be Essoyned, come in and you shall be heard.

And in a Court Baron, if any will be essoyned, o⁊ enter any plaint, come in, and you shall be heard: and then the Steward shal say Essoines and proffers of suite and plea, three times, and in the end, Essoines for this day.

Then if there be any person that hath any lawfull impediment that he cannot be here as he is bound, let one aske an Essoine for him, (the Court sitting) to saue his default.

And then the Steward shall enter the Essoins in the Court Rolle, in this maner:

The manner of entring the Essoines.

A B. per C. D. essoniatur de cõi: Et sic de alijs.

Looke also if there be any Tenant in the Manor that hath any action, or cause of action, sithence the last Court day: Let him put in his plaint the Court sitting, and it shal be entered.

Looke also if there be any Precepts, Attachments or distresses hanging in the court Rolles, inquire of them openly in the Court, and know if the Bailie haue serued them.

Also if there be any old plaints hanging in the Court Roll, before this Court holden, cause the parties to be called, and before the enquest be charged, know if the plaint shall passe by the homage.

That done, the enquest shal be impanelled: Then bid the foreman lay his hand vpon the booke, and sweare him in forme following.

The Oath of the Foreman.

Cause the Bailie to hold the booke vnto the partie or parties sworne, but the Steward shall giue the Oath.

You

YOu shal diligently enquire, and true pre-
sentment make of all such things as you
shall be charged with, concerning aswell the
kings Maiesties Leet, as the Lords Court
of the Manor: You shal well and truly keep
* the kings Councell, your fellows and your
owne: you shall not conceale nor hide any
thing for fauour, feare, promise, or affection
you beare to any person or persons, or pre-
sent any thing for hatred, or malice you beare
to any man: but you shall present and tel the
truth, the whole truth, and nothing but the
truth, so help you God, and by the contents
of this booke. And this being done, cause him
to kisse the booke.

* If the Court Baron be kept by it self, then shall be omitted in this oth these words: *The kings Councell*, for that is not the kings Court, but the Leet is.

After the Fore-man is sworn by himselfe, cause three or foure of th'enquest to lay their right hands together on the booke, and giue them their oath as followeth.

The oath of the rest of the Iurie.

ALl such oath as A. B. hath made before you on his behalfe, you, and euery of you shall well and truly keep on your behalfs: so help you God, & by the contents of this book.

And then cause euery one that is sworne, to kisse the booke.

And so in like manner sweare the rest.

After they be ſworne, cauſe the Bailife to number them that bee ſworne, as the Steward doth read them.

The Proclamation after the Oath taken.

Then make Proclamation and ſay thus: All you that be here ſworne, draw neere and heere your charge, and all the reſt keepe ſilent, vpon paine and perill that ſhall come thereof. Before the charge, gather the common fine, which the Tenants doe pay euerie Leet, according to the cuſtome of the manor.

The Exhortation to bee giuen vnto the Iurie before the charge, to conſider their Oath.

Maſters, the charge which you haue promiſed by your Oathes to obſerue, toucheth and concerneth diuers good lawes and ſtatuts made for the whole common weale of this realm, and alſo for the priuate wealth of euerie of you, which matters the Lord of this Franchiſe conſidering, and wiſhing your wealth & quietneſſe, willing alſo good orders to be obſerued and kept among you, and that right & equitie might be miniſtred to euerie

of

of you, hath cauſed therefore the kings maieſties Leete & his Court to be ſummoned and kept here at this day: I will therfore by your fauor, before I enter into the matters of your charge, declare vnto you by what authoritie you are brought hither, and wherin you are bound to ſerue.

One cauſe is, for that the Kings Maieſtie, and his noble Progenitors haue giuen and graunted vnto the Lord of this Manno, a ſtrength and power to keepe a Leet or Law-day at two times in the yeare, at which Leet or Lawday, all the Headboroughs, Tithing-men and Deciners, & all other perſons which be reſident or dwelling within this Leet, being of the age of twelue yeares or aboue, are bound by the law of this Realme to appeare: for that there they may heare the lawes & ſtatutes opened and declared, that thereby they may know and auoid the danger of the ſame: and further to enquire of the breakers of the ſame, and preſent them, that ſuch offendors might be puniſhed.

The other cauſe or authoritie is, for that you be the Lords Tenants, and are bound by reaſon of your Tenure to appeare at the Lord his Court Baron, when it ſhall happen to bee kept according to the Law, that is to ſay, at euerie three weekes end, and being

here

here by these two authorities, you are bound to serue in all such things as you are iointly and lawfully charged with all, as well concerning the Kings Maiesties Leete, as the Lords Court Baron.

And thus you haue heard in brief the causes whereby you are bound to come to this Leet and Court Baron.

Also to the intēt that this your oath which you haue taken, may be the better knowne, I thinke it good by your patience somewhat to say concerning the same.

First in swering, thrée things chiefly ought to be considered: The first is, that you swear truely, that is, you must seclude all fauor and affection to the parties, not fearing the rich, nor pittying the poore, nor considering the simplenesse of any person, nor the smalnesse of the offence, but hauing the trueth only before your eies, for loue thereof say and speake that which you know to be true, & no further. The second is, you must swear in righteousnes, that is, for the very zeale and desire you haue in declaring of the trueth, for the executing of Iustice, for the obseruing of couenants, honest promises, statutes, laws, and good customs: and hauing a respect in doing and performing these things, you doe that which is to the glorie of God, the honor of the

king

king, the preseruation of the people and common-weale: and this manner of swearing is commanded of almighty God in Deuteronomie, saying: Thou shalt feare the Lord thy God, and serue him, and shalt sweare by his name. That is, we must serue God onely, feare him, and confesse his holy name, which is done by swearing lawfully. Swearing also in many other places of Scripture is commanded, but the same conditionally, which is, we must sweare in truth, in iudgement, and in righteousnes &c. Chap. 6.

Thirdly, in swearing and taking an oth, you must doe it with iudgement, not rashly nor vnaduisedly, but soberly, considering what an oth is: & to put you in mind thereof, I wil in few words declare what an oath is. An oath is the calling or taking to witnes of God his name, to confirme the truth of that we say. And saint Paul saith, An oath for cōfirmation, is among men an end of all strife. For in doubtful and obscure matters, where the knowledge of men faileth, we flie vnto God, that he which is the onely truth, may giue testimony vnto the truth, and he which vseth God for a witnesse, doth also cal for reuenge of periurie at his hands, if he deceiue and speake not the truth: Also in laying your hands vpō the booke, you do sweare, truly to Heb. 6. verse 16. 17.

enquire

inquire and make a true presentment of those things wherewith you be charged, and not to let from saying the truth, and doing truly, for fauor, feare, loue, or malice of any persō: you must consider that in the same Booke is contained God his euerlasting truth and most holy word, whereby we haue remission and forgiuenesse of our sins and euerlasting life. Also in the Gospell booke is contained God his plagues and threats to obstinate sinners, periured men, false witnesse-bearers, condēners of innocent & guiltlesse persons, so that if you willingly forsweare your selues, you vtterly forsake God, his mercie and truth, the merrits of our Sauiour Christ, his nativitie, life, passion, death, resurrection, and ascension, the ioyes of heauen, and euerlasting life, betaking your selues to the diuell the author of all lies, periurie and deceit: & by forswearing, and forsaking the truth, you do forsake Christ, the light and truth it self. And although that periuris do escape sometime vnespied & vnpunished, & be kept secret betwæn some of you and others, yet your hearts will iudge & repute one another false, and be suspitious of each others doings: but God being faithfull he wil not deny himselfe: & therefore he wil not suffer the prophanation of his name to be vnpunished: also at the last day, whē the secrets

ſecrets of all mens hearts ſhalbe opened, then the truth and your owne conſciences ſhall accuſe you, and Chriſt the righteous Iudge ſhal iuſtly condemne you to euerlaſting death and damnation. For this ſinne of periurie God by his Prophet hath threatned to puniſh: Malac. 3. Wherefore let vs pray vnto God that wee may vſe ſuch othes as be godly and lawfull that is, that we ſweare not raſhly, in trifles, or in matters of no weight, but when it is needfull and neceſſarie onely: alſo that we do conſider the end, that our othes may ſerue to the honour of God, and to the boulting out & teſtifying of a truth. And thus hauing put you in mind of your duties & othes, the which I truſt you will diligētly weigh & conſider in the performing and doing the ſame, to the comfort of your conſciences: I will proceed no further therein, but declare vnto you the articles of your charge.

The charge of Court Leet.

1 YOu muſt vnderſtand, that high Treaſons, petty Treaſons, and Felonies, which are againſt the Crowne and dignitie, are to be enquired of and preſented in Court Leet, but not puniſhable there.

2 The which offences ought to bee ſet downe

down in writing, and indented, the one part to remain with the Steward, the other with the Iurie, and the same must be deliuered to the Iustices of the Assises at the nert Gaole deliuerie holden within the Countie. See Stamford in his Plees of the Crowne lib. 2. cap. 24. fol. 85. 86. & 87. And M. Lambert in his Iustice of peace, lib. 4. cap. 6.

3 First you shall enquire of high Treasons, as if there be any among you which doe compasse, imagine, or entẽd the death of our Soueraigne Lord the king: and do vtter the same words by writing, or by any other open act: or if any go about to make warre against him: or if any be adherent to any of his enemies.

4 If any counterfeiteth, clippeth, fyleth, washeth, or otherwise falsifieth the money of this Realme, or the coine of any other realm which is enabled to be current within this realme.

5 Or if any counterfeiteth any of the kings Maiesties seales, as the great seale or stãpe, these are high Treasons.

6 Also counterfeiting of the Kings seale is to take Ware printed with the Kings Seale, and to fasten it to a writing not made by the King: these are to be enquired of here as Felonies, and to bee certified as afore-

said,

said, Rastall, Treason 26.5. Eliz.cap.11. pur clipping, washing &c.

7 Also if any kill his master or his mistris: or if a Priest, or other religious man kill his Ordinarie, this is pety Treason, and to bee enquired of here as felonie, 25.E.3.ca.2. Rastal, Treason 1. Pety treason.

8 And if any woman kill her Husband, it is petie Treason, and it is to be enquired of as felonie, 19.H.6.fol.27. A woman to kill her husband is petie treason.

9 Also cutting out of a mans tongue, and putting out his eies of malice, is felony, and to be enquired of here. Felonies.

10 Also murder is, when any of malice prepensed or forethought doth kill another, feloniously, and it is to bee enquired here as bloudshed. Murder.

11 Also manslaughter as a trespasse is here to be enquired, that is to say, when the place is not appointed to fight, by suddenly they fight together, and the one killeth the other as they met by chance: also it is to be enquired here for bloudshed. Manslaughter.

12 Also if one kill another in defending himselfe, he shall lose his goods. In defending himselfe, and killing by misfortune.

13 The same law is where one killeth another by misfortune, &c. Stamford 15.a.

14 Also you shal enquire of rape, which is, if a man ravish any woman against her will, Rape.

he

be the wife, widow, or maid, though the afterward consent vnto it, it is felonie. You shall enquire also of their aiders, for they shall be iudged Rauishers, as well as he that did the deed, 22 Ed. 4. fo. 22.

urglarie. 14 Burglars are those which in the time of peace, or in the night time with a felonious intent to rob or kill, doe breake any houses, Churches, walles, or gates, and enter into them: this is burglarie, and here to be enquired of, Stamf. fol. 30. B.

obberie. 15 Robberie is when a man taketh any thing from any other person feloniously, though it were but the value of a peny, this is felonie, and to be enquired of.

urning of a ouse or barne 16 Also the burning of a house feloniously, is felonie.

17 Also burning of barnes, adioining to a house in the night, is to be enquired of, 11. H 7. 1.

obbing of hurches. 18 Also robbing of churches or chappels, and taking of any ornaments out of the same feloniously, is felony, and to be enquired of.

eſcue. 19 If any rescue any which is taken for felony, that is felony, & here to be enquired of

aking of oues. 20 Also taking of Doues in a Douehouse in the night time with a felonious intent, is felony, and here to be enquired of.

ong Pigeõs 21 Also taking of yong Pigeons, or yong Goshawkes

Goshawks in their nests, is felony, and here is to be enquired of. and young Goshawks.

22 Also taking of fish feloniously out of ponds, stewes, or trunks, here is to be enquired of. But if the same bee taken out of a riuer, there it is no felonie. Taking of fish

23 Also the taking of tame Deere with a felonious intent, is felonie. Taking of tame Deere.

24 The same law is for taking of Signets, Swans marked, Peacockes, and the same is to be enquired of. Signets, Swans, Peacockes.

25 Also if any receiue a Felon, knowing of the felony which he hath done, this is felonie, and here to be enquired of. Receiuers.

26 And note that all other felonies which be Felonies by the common law, are here to be enquired of.

27 Accessaries are enquirable, and that is if one procure or commaund another to doe a Felonie, but is not present when he doth it: this procurer or commander is accessarie. Accessaries.

28 Also accessarie after felonie is done, is where one receiueth a felon, knowing of the felonie. Accessarie after felonie done.

29 Escape voluntarie is where one arresteth another for felonie, and after suffereth him to go whither he will, this is felonie, and also to be enquired of. Escape voluntarie.

30 Escape negligēt, is whē one is arrested Escape negligent.

for felonie, and after escapeth against his will that arresteth him, and if hee bee not freshly pursued and taken before they that doe pursue lose the sight of him, he that should haue kept him, or his goaler, shal lose a greiuous fine, and hereof enquire.

Pety Larceny. 31 Pety Larceny is taking of any thing with a felonious intent, vnder the value of xx.d. as hennes, geese, pigs, or small things out of windowes, and those things are to be enquired of.

Escheate. 32 You shall vnderstand that the Lord of whom the land is holden, shal haue the lands by Escheat, where their tenants be attainted of Petie Treason or Flony, and the King shall haue the Landes a yeare and a day, and the waste of it, per Magnam Chartam cap. 22.

33 And therefore you must enquire what lands and tenements those persons so offending haue, and what goods for the King, except the lords haue felons goods by the king his grant, 9. H. 4. fo. 23.

34 Also you shall vnderstand that those matters in the charge aforesaid, are to be enquired of, and presented as aforesaid, but not punishable here, but they are to bee certified by the Steward in sessions as aforesaid. But the rest of the matters of the Charge which

ensue

enſue, are enquirable and preſentable, and be alſo puniſhable here in Leete, but not certified as the other were.

1 Thoſe things which hereunder follow, are to be preſented in Leet, and alſo to be puniſhed there.

2 FIrſt you ſhal enquire if all your conſtables, headboroughs, deciners, and all other ſuitors which owe any ſuit hither, bee here, or not, and preſent all their names that make default. Conſtables, Headboroughs.

3 Alſo if any haue dwelt within ỹ Lordſhip the ſpace of a yeare and a day, and bee of the age of xij. yeares, and not ſworne to the King to bee true and faithfull, this is enquirable. Of the age of xij. yeares.

4 Alſo you ſhall enquire if any of the lords villaines be fugitiues, & remaine elſewhere out of the Lordſhip, and bee not in the auncient demeſne of the King a yeare and a day, preſent the ſame. Villaines.

5 Alſo you ſhall enquire if any cuſtomes or ſeruices, due to this court, be holden back, how, by whom, and in what bailifs time the ſame was, and preſent the ſame. Cuſtomes and ſeruices.

6 Alſo you ſhal enquire of any purpreſtures be made vpon the land, wood, or water, with Purpreſtures.

blockes, ſtakes, ditch, hedge, or by, or with any other thing done to the annoyance of the people, that is to ſay, to the multitude, and not onely to one.

Walls, houſes, pales or hedges.

7 Alſo if any walls, houſes, pales, or hedges bee made or erected to the annoyance of the people, this is to be preſented.

High waies, waters, ditches or pathes.

8 If any common highwaies, waters, ditches, or paths be turned out of their courſes, it is to be enquired of.

Encrochmẽts.

9 Alſo you ſhall enquire if any Encrochments bee made on the Kings high waies, of any of the Lords ſoile common, or one neighbour vpon another, and preſent it.

Layſtals. Carrion.

10 If any Layſtals be made, or any carrion be caſt in highwaies to the annoyance of the people, this is enquirable.

Make fraies.

11 Alſo if any commonly breake the peace, as making of fraies in diſturbance of the people, this is enquirable.

Common Barretors.

12 Alſo if there be any common barretors in the Lordſhip, as ſcoulders or brawlers, to the annoyance and diſturbance of their neighbours, preſent their names.

Breakers of pownd.

13 Alſo if any breake the common pownd, to take a diſtres out of the ſame, preſent their names.

Outcries againſt the law.

14 Alſo if any Outcries bee made againſt the lawes in diſturbance of the people, it

is

is to be enquired of.

15 Also if any rescous bee made within ỹ Seigniorie vpon the Sherif or his Bailifes, or vpon any of the kings Officers, in disturbing of them to take any person to bee arrested, it is to be enquired of. Rescous made against the Sherife, or his Officers.

16 You shall enquire, if any Euesdroppers which stand vnder walls or windows, by night or day, to heare tales, and to carrie them to others, to make strife and debate betweene their neighbours, present their names. Euesdroppers.

17 Also if there bee any common breakers of hedges, present their names. Breakers of hedges.

18 Also if any keepe and maintaine anie Bawderie in their houses, it is cause of breaking the peace, & it is a vice that corrupteth the common weale, & for that cause it is here to be enquired of. Keepers of Bawdrie.

19 Also if there be any bagabonds, or those which walke by night, and sleepe in the day. Vagabonds.

20 Also if there bee any that be common haunters of Tauernes or Ale-houses, hauing not sufficient to liue vpon, they are to be enquired of. Haunters of Tauerns or Alehouses.

21 Also if one go in message for theeues, it is to be enquired of. To go on message for theeues.

22 Also you shal enquire if any person haue watered any hempe or flaxe in any riuer, run- For corrupting the waters.

Forcorrupting the waters.

ning water, ſtreame, or brooke, in any common pond where beaſts do vſe to drinke, they ſhall forfeit for euerie time ſo doing xx.s. the one part to the party grieued, or any other which will ſue for the ſame in the Leete, by action of debt, bill, plaint, information, or otherwiſe, and preſent the offendors.

This offence is not inquirable in the Leete but may be puniſhed there, vpon the action or information of any againſt the offendors: For which, ſee the Statute 33. H. 8. c. 17. But vpon a preſentment of a Iurie in the Leet of ſuch an offence the penaltie cannot be leuied, but the offendor may be amerced there for the annoyance, & the amercement eſtreated, and ſo leuied.

False weights.

23 Alſo if any haue, and vſe any meaſures of buſhels, gallõs, yard, or elne, or falſe ballãces, or pounds, they are to be enquired of.

Double weights.

24 Alſo if any vſe double pounds, or meaſures, that is to ſay, one little or ſmal weight to ſell by, and a greater to buy with, in deceiuing the people, the ſame is to be enquired of

Aſſiſe of bread and ale.

25 You ſhall alſo enquire of the aſſiſe of bread and ale, that the ſame bee kept, that is to ſay, that euerie one ſell according vnto the rate and price of graine, and that the ſame be made wholeſome for man, & hereof enquire.

26 Al-

26 Alſo if tiplers ſell by cups or diſhes, or meaſures vnſealed and not ſealed, it is enquirable. Tiplers.

27 Alſo if butchers, fiſhmongers, or other victualers ſell any corrupt victual, not wholſome for mans body, it is enquirable: alſo ỹ all other that ſell victual, if they ſell the ſame at a reaſonable price, and not to be exceſſiue, hauing regard to the prices how victuals bee ſold in places neere thereabouts, and he that is conuicted, ſhall pay double that he hath receiued to the party damnified, and the ſame to be enquired of. Butchers & a victuallers do ſell wholſome meat at a reaſonable pric

28 Alſo that hoſtlers doe not ſel hay, nor oates but at reaſonable prices, and that they doe not take for the buſhell, but a halfe penie ouer the common price in the market, and that they take nothing for the litter, and this is enquirable. Hoſtler for ſelling his hay & oats.

29 An Inképer may bake his bread for horſes in his houſe in any through fare towne which is no Citie where no common bakers dwell, and if he bake and not make the ſame according to the prices of graine, it is to bee puniſhed in Leet. Inkeeper may bake his brea

30 Alſo if any Inkeeper or other perſon, harbour any ſuſpected perſons, perceiuing them to be of euill behauior, it is to be enquired of. Harbouring a ny ſuſpected perſon.

illers.

31 Also if Millers take an excessiue toll, it is to be enquired of: and he ought to take for toll but the twentie or the foure and twē-tie graine according vnto the custome, and according vnto the strength of the water.

32 Also if the Miller within the Lordship change the graine which he hath ground, it is enquirable.

rtificers.

33 Also it is to be enquired, if all ỹ artificers do make good worke as they ought, and if any make deceit in the same in deceiuing of the people, you ought to present their names.

lisdemeanor f Officers.

34 Also if any Constable, Ale-Tasker, Baillie, or any other Officers within this Lordship, haue well and truely done their office or no, it is to be enquired of.

urueyour.

35 Also no purueyor shall make any purueyance for the kings house, of any thing to the value of fortie shillings, or vnder, except he make readie payment to the partie vpon paine of loosing his Office, and to pay the value to the partie grieued: and if he do the contrarie, if the Steward or Tithingman, vpon complaint to them make no resistance to the Purueyor, they shal forfeit to the party grieued, ỹ value of the thing taken, and double damages, and this is the misdemeanour of these Officers, and those misdemeanors,

and

and of all other such Officers, are enquirable.

36 Also the Constable ought to see the peace, and watch to be obserued as it ought. Peace and watch.

37 If any treasure be found, that is to say, put in the earth, and no man knoweth who hid the same, this is the kings, except the lord haue the same by speciall words, or by prescription. Treasure found.

38 If any estraies be, they are enquirable, and that is, if any horse, pigges, hogs, cattell or Swannes, which haue come into this Lordship, and haue beene there a yeare and a day, & not claimed, then the Lord may haue the propertie of ỹ same by prescription, but the same ought first to be impounded in an open pound, proclaimed in three markets next adioining, & if none claime them, then they shall be sealed, and ought to be put into some seuerall land, and not in any couert or wood, where the owner cannot find them, for if they bee in couert the propertie is not chaunged, though they be there a yeare and a day. Estraies.

39 Also you shall enquire whether any Theefe vpon huy and crie, or otherwise doth waiue his goods, that is to say, doth leaue or forsake his goods, or any parcell of them, which he hath stolne, by reason wherof the K. is seised therof, or the lord by the grant of the king Waife.

King, such goods are called waifes, and therfore present the same, also if any officer sease vpon any theeues goods: though there be no pursuit made, in these cases, the King or the Lord by grant or prescription shal haue these goods &c.

e that flieth. 40 If any flie, that is to say, if any be found by indictment guiltie of murder before the Coroner, or if he be indicted of Felonie, and acquited and found that he flieth, then he shal forfeit his goods to the king, and the lord may haue them by Charter, and not by prescription, and this is enquirable.

orse or mare ubbed. 41 If any horse or mare bee put vpon a wast ground, & be scabbed, or hauing an infectious disease, he shall forfeit to the Lord of the Leet ten shillings, and this is enquirable.

xigent. 42 If any exigent be awarded against one endicted of felony, by ỹ képing of his goods, they are forfeit, though after hebe acquited of felony, and the king shal haue his goods, and the Lord by Charter, and not by prescription without Charter, and this is enquirable.

utlawed. 43 If any be outlawed in debt, trespasse, or other personall action, his goods be forfeited, and the king shall haue them, and not the Lord, except it be by Charter, and not by prescription, and this is inquirable.

ommon fine. 44 Also you shal enquire if the cõmon fine haue

haue bin here to be paied according to the cuſtome, & whether the ſame be gathered according vnto the vſage. This is commonly gathered by the headborough.

45 Note that euery one that hath view of free pledges, ought to haue Pillorie & Tumbrell to doe Iuſtice: Alſo in euerie Towne where there is a Leete, there ſhalbe ſtocks, & for default therof the towne ſhall forfeit fiue pounds, and the ſame is enquirable. Stockes.

46 Alſo you ſhall enquire whether any haue vſed in any of their garmẽts veluet, ſatten, damaſke, taffata, ſarcenet, chamlet, or any fur, as foins, ienets, martins, ſquirril, fox, gray, cony, hare, or other furres growing within this land, or gold, or ſiluer, in or vpon any of their garments, otherwiſe than the ſtatutes, made in the 24. yeare H. 8. & 1. & 2. of Ph. & Mary do allow, you ſhall preſent the offendors. Apparrell.

47 Alſo you ſhall enquire whether any baker, brewer, butcher, cooke, tipler, &c. do take exceſſiue gaine or no: alſo whether they conſpire, couenant, promiſe, or make any oath not to ſell victuall but at a certaine price, and preſent the ſame. Victualers.

48 Alſo you ſhal enquire if any artificers, workmen, or labourers, haue conſpired, promiſed, or made any oaths, that they will not make, Artificers.

make or doe their workes but at certaine prices, or not to finish that which another hath begun, or would doe but certaine worke in a day, present them, for they shall forfeit certaine penalties, 24. H. 8. ca. 12.

chers. 49 And you shall enquire if any man being the kings subiect, not lame or maimed, not hauing any lawful impediment, being within the age of threescore yeares, except Spirituall men, and Iustices, doe vse and exercise shooting in long Bowes, and whether the fathers and mothers of such as be vnder xvij. yeres, do bring vp their childrē in the knowledge of shooting: and whether euery man-child of seuen yeares & vpward, haue a Bow and two shafts: if they haue not, their gouernors shall forfeit certaine penalties: present therefore such offendors.

tres. 50 Also you shal enquire if the Buttes be made and continued, and if your buts bee not made or continued, yee shal forfeit for euerie three moneths for default thereof xx.s.

nners, Curs, and tanl Leather. 51 Also you shall enquire if any Tanner haue offered to be sold any hide of Bul, Ore, Steere or Cow, gashed or cut, he shall forfeit for euery one twelue pence.

rriers. 52 Also no Currier ought to currie any Leather in a Shoo-makers house: and none ought to currie any Leather euill tanned.

53 Also

53 Also you shall enquire if there bee any Crownets, if there be not, the lord shall haue the moitie of ten shillings, which shall be forfeited by the parish or towne for not hauing the same. Also if they destroy not the Crow nests when they begin to breed, they shall be amerced. Crownets, a Crow nests.

54 Also you shal enquire if any person by any meanes haue taken and killed any yong brood, Spawne, or frie of Salmons, Eeles, Pikes, or any other fish, in any streame, riuer, brooke, floudgate, or in the taile of any Mill, and present the offendours. And further, when any person hath taken in any of the places aforesaid, any salmons or trowts out of season, or any Pikes or Pikrelles, not being in length ten inches, or any barbel not being in length twelue inches, or any Salmons not sixteene inches, or Trowtes not eight inches long: If any haue done so, they shall forfeit certaine penalties. For the taki and killing o fish.

55 Also you shall enquire if any breake by day or night, the head or damme of any pond, poole, or moate, within which the Lord hath Fish, to the intent to scatter, steale, and destroy the Fish, he shal pay to the Lord treble damages, & shall be imprisoned three months, and after find sureties for seuen yeres of his good abearing. Breaking th head of any pond.

59 Also

Hunting of Deere.

56 Also you shall enquire if any doe hunt Déere out of the Lords ground, or kill any of his Deere, and presente them.

Unlawfull games.

57 Also you shall enquire if any person do keepe or maintaine any common house, alley or place of bowling, quoites, cailes, tennise, dicing, tables, or carding, or any other vnlawful games, and presente them: If they do, they shall forfeit certaine penalties: also you shall enquire if any person do haunt the said houses and places: and further, you shall enquire if your constables and other officers do make true search in such places which be suspected to be frequented with any vnlawfull games, yea or no, if they do not, they shal forfeit certain penalties, you shal therefore presente such offendors, 33. H. 8. cap. 9.

orses.

58 No stoned horse being of the age of ij. yeares, except he be fourteene handfuls high shal be put to pasture in any common, forest, or chase, vpon paine of forfeiting of the same horse: also the said grounds ought to be yerely driuen at Michaelmas by the Lord, Tythingman, Constable &c. or within fifteene after, vpon pain of xl.s. & if vpon the same driuing there bee found any mare, sole, or gelding, not likely to be able to beare soles, or to do profitable seruice, the same shalbe slaine & buried, 32. H. 8. ca. 13.

59 Also

59 Also you shall enquire if the inhabitãts after roberies and felonies committed, doe make fresh suit from towne to towne, or from county to countie, or from hundred to hundred according to the Statute of Winchest. 13.E.1.cap.2. For if a man be robbed in the day time, and the thiefe escape, and is not taken within forty daies after the robberie, for lacke of huy & crie, the borough or hundred shall answere to the party all his goods and dammages: also if any person be killed in a towne in the day time, and the murderer or manslayer escape, not taken or arrested by those of the towne, then the townеship shall be amerced, 18.Ed.2. Huy and crie

60 Also you shall enquire if your Constables and Churchwardens haue appointed any surueyor for the mending of High wayes, leading to market townes, or no, and if any chosen refuse the same office, he shal pay xx.s. also you shall enquire whether the same surueyors haue taken vpon them the said office, and put the same in execution: and whether the parishioners haue done their duties, and present all those that haue offended contrary to the same statute, for the offendors shal forfeit certaine penalties. For the amending of High waies.

61 Also you shall enquire if the ditches be scoured, and bushes cut, according to the statute,

Scouring of ditches and cutting of hedges. Nota.

tute made in the first yeare of Qu. Elizabeth, for not doing of the same, they shal forfeit ten shillings.

62 The moitie of all the forfeitures for these Statutes, the Church-wardens shall haue to bestow vpon the highwaies.

For watering hemp or flaxe.

63 Also you shall enquire if any person haue watered any hempe or flaxe in any riuer, running water, streame, or bzoke, or other common pond where beastes doe vse to drinke, they shal forfeit for euerie time so doing xx.s the one part to ỹ partie grieued, or any other which will sue for the same: and the statute 33.H.8.cap.17. doth giue a remedie to sue for the same in Leete, by action of debt, bill, plaint, or information, or otherwise.

Musters.

64 Also you shall enquire whether any refuse to come to musters before any persõ authorised to take the same, he shall be imprisoned for ten daies, except hee pay to the king xl.s. and if any person appointed to take musters, receiue any money to release any appointed to serue, hee shal forfeit ten times so much as that he receiued, 4.& 5.P & M.ca 3.

Ryots.

65 If any persons to the number of fiue make an vnlawful assembly, for to breake any bankes, inclosures, parkes, fish-ponds, barnes, houses, and such like, and proclamation bee made by the Sherife or Justice of

Peace

peace that they depart, and notwithstanding they remaine together an houre after proclamation made, everie such attempt is felonie: also everie Copiholder being a yeoman, husbandman, or labourer, of the age of eighteene yeares, and under threescore, not sick, nor having a reasonable excuse, and being required by the Justice, Sherif, &c. to apprehend those persons aforesaid, and refuse, shall forfeit his estate during his life, and his Lord may enter: also the Farmer being a yeoman refusing, is in the same case to the Landlord: also it is felonie if any person without compulsion, bring, send, or deliver any money, harnesse, artillerie, weapons, or victuals, to any person assembled in such maner. Also the Justice of peace or other officer may raise power to suppresse them: and if any Officer kill any such rebellious persons, or maime them, they shall be free, & if any person knowe of any such pretended rebellion, and do not openly declare the same within twenty houres next after such knowledge he shall be imprisoned for three months without baile or mainprise, if he be not discharged by a Justice of Peace: also hee that letteth or hindereth that proclamation that the same be not made, committeth felonie.

22 Anno quinto Eliz. cap. 1. If any toll

Of the King and assurance of his power.

or set forth the authoritie of the Bishop of Rome against the forme of this statute, hee shall incurre the danger of a Præmunire, and this Statute is to be declared in Leet.

Tracing of hares.

68 None may trace, destroy, or kill a Leueret in the snow with a dog, or otherwise, and he that doth it shall forfeit fiue shillings eight pence, 13. H. cap. 11.

Licences for wine.

69 Also you shall enquire if those persons which do sell wines bee thereunto licenced, according vnto the statute made in the eight yeare of Ed. 6. &c. vpon a grieuous paine and forfeiture, and for euery day occupying or selling of wine without licences. Also you shall enquire how many there are licenced, and present them. Of this and all other matters and defaults, you shal diligently enquire and make a true presentment.

Then, after the charge is giuen, the Steward shall command the Crier to make Proclamation, and after proclamation made three times, the Steward shall say:

IF any can enforme the Steward, or this enquest of any petie treason, felonie, petie Larceny, Purpresture, breaking of pounds, or of Rescous, or of any other thing done against the peace, or of any person of euil behauiour

nioure within the Leet, or of any artificer that doth make deceipt, or of any other misdemenour of any officer or other person here, or of any waife or ſtray, treaſure found, or of any other thing here to be enquired of; come in, and you ſhall be heard.

Then if any come in, he ſhall be ſworne to giue euidence to the Iurie: And after that the Steward ſhall ſay to the Enqueſt:

GO you together, and enquire of the matters of your charge, and when you bee agreed I ſhall be ready to take your verdict.

An addition of diuers other matters enquirable in Leetes, not mentioned in the former edition.

1 IT is lawfull to all Stewards and Baliſes in their ſeuerall Leetes, and Lawdaies, to enquire, heare and determine euery offence committed contrarie to the tenour of the Statute made 33. H 8. concerning croſſbowes and hand-gunnes, ſo that alwaies no leſſe fine than x.l. be aſſeſſed vpon euery ſuch preſentment and conuiction, the one moitie of querie ſuch fine to bee leuied to the vſe of the king, and the halfe of the other moitie to

Croſſe bowe and Handgu

the owner of ỳ Leet or Law-day by distresse, or action of debt, and the other halfe of ỳ said moitie to be to the partie that will pursue for the same in any of the Queenes Courts by action, information &c. wherein no matter of law, essoine, protection &c.

2 And if any Jurie sworne and charged to enquire for the king, of any offences committed contrarie to the said Statute, do wilfully conceale any of the said offences: Then the Stewards or Bailifes before whom any concealment shall bee had, haue authoritie to charge and sweare another Jurie of twelue or more, to enquire of such concealement: and if such concealement bee found and presented by the said Jurie, then euerie of the first Jurie shall forfeit for euerie such concealement of euerie offence twenty shillings, the moitie to be leuied to the owner of ỳ Leet or Law-day by distresse, or action of debt, and the other to the Informer to bee recouered by Action, Information, &c. wherein no Wager of Lawe, Essoine, Protection &c.

3 But if the presentment or suit for any of the said forfeiture be not commenced within one halfe yere next after the offence committed, then the offendor shall be thereof cleerely discharged, 33. H. 8. 16.

4 Lords

4 Lords in Leets, and their Stewards, within the precinct of their Leets, haue authoritie to enquire and take presentment by the oath of Iurors, of all and euerie offence and offences committed contrary to the Statute 31 El. touching the erecting and maintaining of Cottages and Inmates, and vpon presentment made to leuie by distresse to the vse of the lord of the Leet all such summes of money as shall be forfeited by the Statute of 31 El. ca. 7. New Cottage Inmates.

5 The Steward in euery Leet shall haue full power and authoritie to enquire, here, & determine as well by presentment of twelue men, as by accusation or information of two honest witnesses, of, for, & vpon all and euery the offences and forfeitures committed (contrarie to the statute prouided, 2 Ed. 6. for the true making of Malt) as well for the King as for the partie that shall sue, procure, or cause the same to be presented, 16 Ed. 2. 35. Eliz. 7. Malt.

6 Stewards of Leetes, Liberties, and Law-daies within their seuerall iurisdictions shall and may heare, enquire, and determine of all and euerie offence and offences which shall bee committed within the precinct of their Liberties, Iurisdictions, or Franchises against the tenor of the act made.

An. 23. Eliz. 6. for the preseruation of fealãts and partridges, 23. El. 10.

7 Stewards in their Leetes and Lawdaies, haue authoritie to heare and determine euerie default and offence of Hostlers, or Inholders making horse bread not sufficient, lawful, and of due assise, according to the price of Corne, committed within the limits of their iurisdiction, contrarie to the Statute in that case prouided, 32. Henric. 8. 41.

Horse bread.

8 The Lord of euery Leet hath authoritie to enquire of all the offences committed contrarie to the purport and forme of the Statute prouided (1. Eliz. for the preseruation of spawne and frie of fish) within the precinct of the said Leet, such enquiry to be had in manner & sort as common amerciaments or other things enquirable in Leetes haue been lawfully vsed to bee made, and vpon euerie such presentment had in any Leete Court by the oath of twelue men, of any offence made contrary to the said Statute, all forfeitures appointed for such offence, shalbe vnto the Lord of the said Léet, and shalbe leuied as amerciaments for fraies committed within the precinct of such Léet, haue been vsed to be leuied. And if ỳ steward of a Leet or some other for him doe not charge the Iurie

Fish.

sworne

ſworne in euerie Leet to enquire of all offences done within the precinct of the ſame Leet concerning the killing of Spawn or Frie of fiſh, kepper, ſhedder, or ſalmons or trowts, pickerell, ſalmon, trowt, or barbell, being not of lawfull length. And concerning the maſh of nets, and other engines, he ſhall forfeit for euerie offẽce xl.s. to the king, and him that will ſue for the ſame.

9 Alſo if any Jury ſworn in a Leet having charge to enquire of the premiſſes, doe willingly conceale & make default in preſentmẽt of the offence and offendors, then the Steward or Bailife, or their deputy, may impanell another Jurie within ỹ ſame Leet to enquire of ſuch concealment, which being found, euery of the Jurors ſo concealing ſhal forfeit xx. s. to the Lord of the Leet for euery offence.

10 Sauing alwaies to all and euery perſon and perſons, bodies politicke & corporate & euery of them, all ſuch right, title, intereſt, claime, priuiledge, and conſeruation, and enquiry, and punichment, of & for any the offences aforeſaid, as they or any of them lawfully haue & enioy, or of right ought to haue and enioy by any maner of meanes, any thing &c. notwithſtanding. 1. Eliz. 17. 35. Eliz. 7.

Finis de le charge de
Court Leet.

THE ORDER OF
keeping Court Baron.

The Stile of the Court.

Ouerstoy *CVria Baronis M. L. ibidem tenta die Martis, videlicet decimo quarto die Iunij, annis regni Iacobi Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis fidei defensoris &c. viz. Angliæ, Franciæ, & Hiberniæ secundo, & Scotiæ tricesimo octauo, tent' per Seneschallum.*

After the stile of the Court entred, you shal cause the bailife to crie once Oyes, and then call the Jurors.

Examp	John Doe,	*Iurators.*	Rob. Dodge,	*Homage*
	Richard Roe,		Tho. Lodge,	
	John Den,		Adam Clarke,	
	Richard Fen,		Dauid Parke,	
	Walter Hallē,		Henry Loe,	
	Robert Allen.		William Croe	

After the Jurie is called, the Bailife shall crie another Oyes, and then the Steward shall say.

If any will be essoined or enter any plaint come in, and you shalbe heard.

The Essoines be set before the homage, in M. Kitchins Booke, & better thā here, for first should

ſhould the ſuitors bee called, and their appa-
rance, defaults, or eſſoins, be recorded, before
it can bee knowne who did appeare to make
the homage.

And after the eſſoines be entred, and your
plaints & pleas thereto made, then impanell
the Jurie and ſweare them.

After the enquell is impanelled & ſworne,
make another Oyes, and ſay, You good men
which be of the Jurie, come neere, & you and
all other keepe ſilence during your charge.

An Exhortation to the Iurie.

My maſters you that be ſworn, before I
giue you charge in this Court Baron,
I thinke it good to declare vnto you by what
authoritie you are commaunded to be here, &
for what cauſe. Chiefely, you are appointed
to be here for that you be the Lords tenants,
& are bound by reaſon therof to appeare at ỹ
Lords Court Baron when it ſhal be kept ac-
cording to the Law, that is to ſay, at euerie
three weeks end, being warned, and being by
the ſame authoritie there, to end & determine
iniuries, treſpaſſes, debts, and other acti-
ons, where the debt or damage is vnder for-
ty ſhillings: & alſo ỹ nothing bee done with-
in the Manor, hurtfull to the inheritance of
the

the lord of ỹ manor, which ought to be enquired and presented for the Lord: and that you be ỹ more diligent and carefull in enquiring and presenting the same, I haue ministred an oath vnto you, which is the calling or taking to witnesse of God his name, to confirme the trueth of that you shall say, and present, minding neither fraud nor deceit, but only ỹ trueth, not partiall, but seeking the glorie of God, and the profit of your neighbours, and the Common-weale of God his people.

The Charge.

1 FIrst, you shall enquire of the suitors, which owe any suit to this Court, whether they be here, or no, & present their names that make default, for they which bee absent ought to be present here aswel as you, except they haue some lawful impediment to the cõtrary, for they hold their lands, as well to do their suit, as to pay their rent, so that if they dos not their suit, they shalbe amerced, or the Lord may haue good remedie for the same: otherwise you shall vnderstand, ỹ euerie common suitor is bound by the lawes to appeare at ỹ Lords Court barõ at euery three weeks end: notwithstanding, the lord for your ease (which he esteemeth more than his own profit)

The tenants are bound to appeare at euerie three weekes end at the Lords Court Baron.

ſit) ſuffereth the ſame to be kept but ſeldome, as appeareth, for which cauſe euery of the tenants ought the more wilfully to come vnto his Court at ſuch times as hee doth appoint for the ſame: for if they willingly abſent thẽſelues, then they render euil for good, and beſides that, they incur the danger of periurie, for whẽ they did their fealty, they were ſworn to be true tenant vnto their Lord, and to pay and doe all manner of ſuits, cuſtoms, and ſeruices due for their Tenements, at their day aſſigned: and therfore let euery man remember his oath and dutie, and doe his ſuites and ſeruices, according to the ſame, or elſe he ſhal fall into the danger aforeſaid.

2 Nert you ſhal enquire whether there be any tenant dead ſithence the laſt Court day, or before, whoſe death as yet is not preſẽted, and you ſhal preſent the ſame: alſo what lãds and tenements he held of this Lordſhip at ỹ time of his death, and by what ſeruices, that is to ſay, whether it were by knights ſeruice, ſocage, tenure, or Copiholde, and what aduantage the Lord ſhall haue by his death, as Ward, Mariage, Reliefe, Eſcheat, Fine, herriot &c. And who is his nert heire, and what age he is of, and in whoſe keeping, & preſent it. You ſhall vnderſtand there be diuers manner of Tenures, but moſt men doe hold by knights

What tenants are dead ſinc the laſt Cour

What land he holdeth, and by whatſeruic

Alſo who is next heire.

knights seruice, or socage tenure.

Knights seruice, what it is.

3 Knights seruice is when the Tenaunt holdeth of the Lord by Escuage, that is to say, by the seruice of the shield: also to hold by ca∣stle gard, that is to say, to keepe a Castle, or Tower, or howse, or other place of his Lords, vpon reasonable warning, when the Lord heareth that enemies do come into England that is knights seruice.

Homage, fealtie, & Escuage, Knights seruice.

4 Also he that holdeth by homage, fealty, and escuage, holdeth by knights seruice: also he which holdeth of his Lord to blow a horne to warne the men of that countrie when ene∣mies doe come into England, holdeth by knights seruice: and knights seruice ought alwaies to be done by the bodie of a man, and that seruice draweth vnto it, ward, mariage, and reliefe: for when such a tenãt dieth seised and his heire male within age & vnmarried, the Lord shal haue the land holden of him, and also the marriage of him vntill hee be of full age, that is to say, the age of xxj. yeres. But if such a Tenant died seised, his heire female being of the age of fourteene yeres, or more then the Lord shall neither haue the Warde∣ship of the Land, nor yet of her body, for that the law entendeth, that a woman of that age may haue a husband able to doe knights ser∣uice: and if she be within the age of 14. yeres

Knights seruice is done by the body of man.

Knights ser∣uice draweth vnto it, ward, mariage and reliefe.

and

and vnmarried, then the Lord shall haue the wardship of her land, & also of her body, vntill she bee of the age of sixteene yeares. And some such tenants do hold by a Knights fee, and some by halfe a fee, & some by more, and some by lesse: & if such a tenant dieth which holdeth by one Knights fee, and his heire being of full age, then the Lord shall haue homage and fealty, and also fiue pound for a relefe, & of him which holds by halfe a knights fee, v.l. s. and he that holdeth by more shall pay more, & he that holdeth by lesse shall pay lesse: you shall therfore present whether any such tenant died seised of any such lands and tenements so holden, yea or no.

5 Also you shall enquire whether any tenāt which held by knights seruice, made any feoffement to his heire, & after died, his heire being within age yea, or no, for notwithstanding such feoffement the heire is to be ward. Alienation by collusion, and holding by Knights seruice.

6 And whether any such Tenant made any alienation of any such land so holden to any person by collusion, to defeat the Lord of his ward, or other profits, yea, or no, and present that: for in all these cases the Lord shall haue the ward and marriage of his heire, and also of his lands, as well as if the said Tenant had died seised of the same land.

7 Also you shal enquire whether any such tenant

Feoffement a son vse, the lād holden in knights seruice.

Tenant which held by knights seruice, did make any will of his lands, or conueyed any of them to his wife or children, or to friends, to pay his debts, which notwithstanding any such will or conueyance the lord shal haue the wardship of his heire, and custody of the third part of his lands, 34. & 32. H. 8.

Entry for condition broken.

8 Also you shall enquire whether ỹ heire of such tenant, entred into any such lands so holden, for any condition broken, being made by any of his anteſtors, and present it.

Entrie into Religion.

9 Also whether such entrie in Religion beyond sea now be not treason, and so the party to forfeit the land to the king.

Disseisin of the tenant, and death before any reentrie.

10 Also you shall enquire if any Tenant which held by knights seruice, was disseised of lands so holden, that is to say, put out of them by one which had no rightfull title to the same, and after died before any reentrie, or any lawfull recouerie had, and present it, for the Lord shall haue the wardship of the bodie of the heire and of his land, as well as if his tenant had died thereof seised.

What Soeage tenure is.

11 Soeage tenure is, as if the tenant holdeth of the Lord by fealty and certaine rent for all manner of seruices, or by homage and fealtie for all maner of seruices, or by fealty onely for all manner of seruices: or to pay a summe of mony for escuage, or to pay a certaine

taine summe of money for Castle Gard: all such Tenures are Tenures in Socage: and all other Tenures which are not tenures by knights seruice, are Tenures in Socage: and where such Tenants die seised of any lands so holden, the Lord of whom the land is so holden, after the death of his tenant, can haue no more profit but onely his fealtie and reliefe, that is to say, as much mony and seruice as one yeares rent doth amount vnto: as if the tenant hold by fealty, and ten shillings rent, the lord shal haue ten shillings for a reliefe, ouer & besides the ten shillings which he shall pay for his rent, & in such case after the death of the tenant, such reliefe is due to the Lord maintenant or immediately vpon his ancestors death, so ỳ the heire be of the ful age of xiiij. yeares, and he ought not to tarrie for his reliefe vntil ỳ day of payment of the rent but he ought to haue his reliefe maintenant, and for that he may distraine immediatly after the death of his tenant.

Reliefe is as much money as one yeares rent.

13 Also if a Copiholder die sole seised of any lands or tenemẽts so holdẽ, his heire being of the age of foureteene yeares, then hee shal pay a fine vnto ỳ lord, & do fealty, and be admitted tenant: but if the heire be within ỳ age of 14. yeares, then some Garden shall be admitted to occupy his Copihold, & to pay

A Copiholder dieth.

and

and to doe his ſeruice due for the ſame, that is to ſay, if Lands diſcend from the father, then the mother or ſome of her next kin ſhall haue the occupation of the ſame lands, vntill the heire be of the age of fourteen yeres, and they ſhal pay a little fine for the gardenſhip, and the heire at his entrie ſhal pay the whole fine, you ſhall enquire thereof and preſent the ſame.

13 Alſo you ſhall enquire whether any Tenant which holp by Socage Tenure, did make any Feoffement in fee to his vſe, and died ſeiſed of the vſe, his heire being within age, and no Will by him declared of the vſe, and preſent it: for the Lord ſhall haue his reliefe, aſwell as if he had dyed ſeiſed of ỳ ſame lands.

Whether any Freeholder hath aliened any of his freehold lands.

14 Alſo you ſhal enquire whether any freholder hath aliened or ſold away his freehold lands or tenements, or any parcell of them, and preſent it: for he which hath bought the land, before he enter, ought to come to giue notice vnto the Lord that he hath bought the ſame, and ſo the Lord ſhal know his Tenant, and in caſe where but part is ſold, the ſeruice which the former paid vnto the Lord, ſhall be appointed according vnto the value of the lands ſold and retained.

15 Alſo you ſhal enquire whether any which held

held by Herriot ſeruice, or Herriot cuſtome, died ſeiſed of any lands or tenements ſo holden, and preſent it, for the Lord ſhall haue of euery of their ſeuerall parts diuers Herriots at their ſeuerall deathes: alſo if one man haue two ſeuerall parcels of lands holden by herriot ſeruice, and by two ſeuerall titles, and dieth ſeiſed of the ſame, the Lord ſhal haue after his death two Herriots. Herriot ſeruice. Herriot cuſtome.

16 Alſo you ſhall enquire if any Copiholder die ſeiſed of any lands ſo holden, and preſent it: Alſo whether any Copiholder hath made any leaſe of his Copihold, or otherwiſe alienes or ſold the ſame, and preſent it, for it is a forfeiture of his Copihold: for if a Copiholder will alien or ſel away his copihold, he ought to come into the court & ſurrender the ſame into the hands of the Lord, to the vſe of him which ſhall haue the eſtate, or elſe out of the court he ought to ſurrender it vnto the Bailife, or to ſome of the Tenants of the Lordſhip, to the vſe of him which ſhall haue the ſtate, and they to whom the ſurrender is made, ought to preſent the ſame at the next Court, and then pay his fine for the ſame, and take it to his vſe in the Court, and do his endeuour to be admitted, and if he be not at the ſame Court, then the Lord ſhall haue the meane profits of the ſame lands, all the rent Whether any Copiholder dieth ſeiſed of any ſuch lands. How a Copiholder ought to ſurrender his Copihold

seruices and reparatiõs being deducted, vntil he be satisfied for his fine, according to his dutie.

Whether any Copiholder hath made any surrender.

17 Also you shall enquire if any Copiholder hath made any surrẽder of his Copihold, or any part therof sithence the last court day, or before, & present it: and into whose hands it was made, & in whose presence, or to whose vse: for at euerie surrender the Lord ought to haue a fine, & the partie into whose hands the surrender is made, ought to come to the next Court, and present the same, and to yéeld vp and testifie the surrender into the Lordes hands, to the vse of the alienée, according vnto the trust reposed in him, or otherwise hee forfeiteth his Copihold, except he haue a reasonable excuse: for that hee doth as much as he may to defeat the Lord of his fine, and also to defeat the other party to whose vse ỹ surrender was made. Not. The party that receiued the surrender had no right by it.

18 Also you shall enquire if any tenant of the Lordship haue giuen any lãds into mortmaine, and present it.

Mortmaine.

19 Mortmaine is if a man giue or sell any lands to any house of religion, or to any other which be corporate by the kings grant: also if one make a Feoffement vpon trust to the vse of an house of Religion, or to the vse

of a Guild or fraternitie Corporate, that is Mortmaine.

20 Also if one exchange lands or tenements with an Abbot, or other body Corporate, this is Mortmaine.

21 Also if a man of religion, or other body corporate, doth hold of any man by Knights seruice, and he release vnto him, this is mortmain, and then the king or lord may enter, & shall haue the same by force of the Statute in that behalfe made, viz. the nert Lord if he enter within a yeare after the alienation, or in ỹ Lords default, the king: you shall therefore present them ỹ haue giuẽ any lands or tenements in mortmain, & whẽ ỹ same was done

A Statute made thereof that the king or Lord shall haue the same

22 Also you shal enquire whether any tenant for terme of life, or yeres, or any Copiholder of this lordship hath made any wast, or suffered any wast to be done vpon their lands and tenements, yea or no.

Wast.

23 Wast is when any Tenant for terme of life, yeares, or any Copiholder pulleth downe any house, or cutteth downe any timber trees, or suffereth the house willingly to fall, being on their Copie Tenements, or if any of the tenants plow vp any meadow ground, or if they suffer any Wall or Pale which were couered, to be vncouered, by reason whereof the same wall or pale doth fall

What wast is, and how the same is done.

in decay, or if any of them digge coals, chalk, or sand, or make any mines in their grounds, then they make waste. And if they fell a tree to ỹ value of three shillings foure pence, this is admitted waste: But if a man cut downe timber to repaire the old houses which stand vpon parcell of the same ground, and therewith doth repaire them, then it is not wast, but if he with the timber build a new house, then ỹ cutting downe of such timber is wast: Or if he cut downe any timber to sell, to repaire such houses which are fallen in decay, such is waste. But if waste bee done with a tempest, no Tenaunt shall bee punished for such wast: but if wast be done by any daunger, the Tenaunt shall bee punished for such wast: Also it is no wast to fell in seasonable time such trees as haue bin felled with in xx. yeres before: but if ỹ tenant cut downe such trees to borne vpon their Tenements, where they haue wood sufficiēt, this is wast. Also a Copiholder may not cut downe wood to sel, but he may to burn, vpon his tenemēt, or to make reparations as aforesaid.

Whether any tenant in possession died seised without any heire.

24 Also you shall enquire whether any Tenant in possession or reuersion died seised of any Land or Tenements holden of this Lordship, hauing no heire at the time of his death, yea or no, and present it, for then the

Lord

Lord shal haue the land holden of him by Escuage. You shall vnderstand, that none shall haue landes in fee simple as heire vnto any man, vnlesse hee be heire of the whole blood: for if a man haue issue two sonnes by diuers women, and dieth seised of the same land, and the eldest entreth and dieth without issue, the yongest shall not haue the land as heire vnto his brother, because hee is of the halfe blood, but some other heire of the fathers side shall inherit the same land, and if he haue no heire on the fathers side, then the next heire on the mothers side shall not haue the land, but the Lord of whom the land is holden shall haue the Land by Escheate: and so when land descendeth on the mothers side, ỹ heire on the mothers side shall inherit, & not the heires of the fathers side. And you shall vnderstand, that a Bastard can neuer bee heire vnto any man, nor yet haue heire vnto himselfe but his children: therefore if any Bastard die without issue, or any other Tenant haue died seised without heires, you shall present it.

A Bastard may not inherit.

25 Also you shal enquire if any Tenant was seised of any Lands or Tenements, and was put out of his land by one which had no rightful title, and afterward died without any heire, the Lord shall haue his Escheate as well as if his Tenant had died seised.

Whether any Tenant died being put out of his lands by one which had no right.

Petie treason, felonie, or murder committed by any tenant, for which he was hanged, or had iudgement to be hanged.

26 Also you shal enquire whether any tenant of this Lordship hath committed any petie treason, felonies, or murders, for the which he was hanged, or for the which he had iudgemēt to be hanged, though afterward he died by the act of God, or prayed his Clergie and was allowed it, and deliuered to the Ordinary before the statute made in the 18. yere of Q. Elizabeths raign, or else since that statute was burned in the hand, and deliuered out of prison according to the statute, for by that iudgement he was attainted, & the Lord entreth to the Escheat of his lands, and therfore if any such be present it. And whether any tenant hath committed any petie treason, Felonie, or Murder, for the which hee hath abiured the land, or for the which he was outlawed, or for the which hee was beheaded, or for the which hee was ouercome by wager of battaile vpon an appeale, or in the combat put to death, and present it: for in all these cases the Lord of whom the Lands are holden, shal haue the lands by Escheate, and also the Euidences concerning the same.

Whether there be any rents lost, or seruices withdrawne.

27 Also you shall enquire if there be any rents, customes, or seruices withdrawne frō the lordship, which of right ought to be done, & present it: & what rents, customs, & seruices they are, and by whom they are withdrawne,

and

and where the land lieth out of which they be due, and who holdeth the same, that the Lord may haue his remedie for the arrerages thereof.

28 Also you shal enquire whether the Copiholders or the farmers of this Lordship do vphold and repaire their Tenements, yea or no, and present the same: you shall vnderstand that euerie Tenant is bound to three things: First, that he be true Tenant to his lord: secondly, that he sufficiently repaire his Tenements: and thirdly, that he pay and do all suites, customes, and seruices at his daies assigned: for he tooke vpon him so to do whē he did his fealty, & if he doe not pay his suits, customes & seruices, the Lord shal haue good remedy and recouer the same with his damages: and if he be a Copiholder, and do the cōtrarie, he doth forfeit his Copihold. Whether the tenants do vphold or repair their tenemē

29 Also you shall enquire if any tenant of this lordship which is bound by reason of his Tenure to doe suit vnto the Lords Mill, doe the same yea or no, and present it: and whether any haue vsed to withdraw their suit frō the Lords Mill, in not grinding their corne there, yea or no, and present it. Whether a tenant haue withdrawne his seruice.

30 Also you shal enquire whether any waif or stray, is, or was within this Lordship, and whether the Lord be answered of the same, Waife and stray.

yea or no: if not, present by whom they are conueyed away: also you shal enquire yf any Herriot bee conueyed away, yea or no, and present it, and by whom.

What a Waife

31 A waife is, if a theefe vpon huy & crie and pursuite after him, or otherwise to ease himselfe of his carriage, without huy & crie doth waif his goods, that is to say, doth leaue and forsake his goods which he hath stolen, or any parcell of them, by reason whereof the King or any other lord or officer in his right or in his owne right doe seale the goods: in these cases ỳ goods so seased are called waifs: and the same law is, if any officer take any goods of a theefe, suspecting ỳ he hath stolne them, though there be no pursuit made: & in these cases, the king or else the lord, by reason of a graunt made be the king, or by the prescription, shal haue the goods so waifed, if the owner of them do not make fresh suit after the theef to attaint him for stealing of the same goods: which fresh suit if hee make, he shall haue his goods againe, though they be waifed, but then he must sue an appeale, or else procure the party to be indicted & conuicted by euidence at his pursuit, according to the statute made 21. H. 8. cap. 11.

What an stray is.

32 An estray is, when any Horse, Mare, Ore, Sheepe, or other Beastes, are in the

Lord.

Lordship, and no man knoweth the owner of them, they shall be seised vnto the vse of the king, or to the Lord which hath such an Estray by the king his grant, or by prescription, and if the owner come and make claime within a yere and a day, then he shall haue it againe, or else after the yere and the day, the propertie thereof shall bee to the king, or else to the Lord which hath the same by grant or prescription, so that the lord make proclamation thereof, according to the Law, in the next markets, and in the Church.

33 Also you shall enquire, whether any person haue made rescous against the Lord, or any other officer, and present it. Rescous.

34 Rescous is when the Lord distraineth in ỹ land holden of him for his rent, or services behind, or if the lord come vpon the lands and would distraine, and the tenant or some other will not suffer him, that is rescous: also if the lord distraine for seruice behind, or for dammage fesant, and in driuing cattel to the pound, the beastes enter into the house of the owner, if in such case he that distraineth doth pray deliuerance, and the possessors will not deliuer them, that is a Rescous, therfore you shall present it, if Rescous haue beene made.

35 Also you shal enquire whether any person hath broken the lords pownds, that is, to haue Breach of pownd.

haue taken away a distresse put in, yea or no, and present it. You shall vnderstand, that if the Lord do distraine any Tenaunt for rent, or seruice behind, he may impound the same distresse in a common pound if hee will, or in his owne ground, or in his neighbours if he will, by the licence of his neighbour, and all those places in which the Lord doth impound any cattell, are called the Lords pownd: but alwaies when another doth impownd any distresse in his owne pownd, or in his neighbours, it behooueth him to giue notice to the other party, for that if the distresse bee quicke he may giue it meate, and then if the Beast die for want of food, hee that was distrained shalbe at the losse, and then he that distrained before may distraine againe for the same rēt or dutie.

Whether any tenant hath let any farme fall to decay, viz. not maintained husbādrie as before.

36 Also you shall enquire if any tenant of this Lordship, hath let any farme or house fal into decay, which at any time sithence the first yeare of the raigne of K. H. 7. hath beene let with twenty acres of land being in tillage yea or no, & present it: for if they suffer their houses to fall into decay, the Lord may take and distraine for halfe of the issues and profits of the same, and keepe them to his owne vse, vntil such time as the houses shall be sufficiently builded and repaired, that is to say, main-

maintained againe for husbandrie. This was by the Statute 4.H.7. which is now repeapealed by 39.El.

27 Also you shal enquire if any inhabitant of common haue ouer-charged the common or highwaies, or your common fields, by putting in more cattell than they ought to keepe, & whether any of them haue put their cattell in any their cõmons aforesaid, before ỳ daies agreed vpon, & presẽt it, for the Lord of any commoner (as it seemeth) may distraine the surplusage damage feasant, or else you may make among your selues orders & lawes for your owne profit, that none shall doe vpon pain of certaine penalties, &c. & by such lawes the inhabitãts & cõmoners shalbe bound, &c. Whether any haue ouercharged the common.

38 Also you shall enquire if any person haue made any pits in the High-waies, and whether any person do cõmonly vse to breake hedges, and to suffer Hogs to go vnyoaked, or vnringed, to the annoiance of their neighbours. Whether any pits be made in the high-waies. Breaking of hedge. Hogs vnyoaked or vnringed.

39 Also you shall enquire whether any person hath strained or stopped any waies, water ditches, pathes, or turned any of them into a wrong course, and presẽt it. Stopping waies, waters &c.

40 Also if any haue encroched any land of the Lord, that is to say, land, meadowe, pasture, wood, heath, moore, or any other vacant land Whether any haue enchroched.

land without licance of the Lord, by setting of his hedge, pale, or otherwise, and present the same.

41 Note that all the vacant and wast land within the manor, is to the Lord of the manour.

Whether any haue remoued ny markes.

42 Also you shall enquire where any person haue ared, plowed vp, or remoued away any Meere-marks, balks, or limits betweene one peece of land and another, and present it.

Whether any haue stalked with bush or beast.

43 Also you shal enquire of any haue stalked with a bush or beast to kill Deere which is in the lords chase and park, and present it.

Whether any haue or doe keepe away any euidences.

44 Also you shal enquire if any person hath or keepeth away any euidences, charters, or court rolls, customarie terrars, or any other euidences which concerne the lordship, or any parcell thereof, yea or no, and present it.

Whether any haue fished, fowled, hawked

45 Also you shal enquire if any person haue fished, fowled, hawked, or hunted in his lordship or lords warren, and present it.

Whether any haue taken any fesants, &c.

46 Also you shal enquire if any person haue taken any fesants, or partriges, with net, snare, or other engin vpon the freehold of the lord of this manor, and present it.

wannes or wannes eggs.

47 Also you shall enquire if any person haue taken away the egs of the lords swans out of their nests, and present it.

48 Also you shal enquire if any lands of the Lords

Lords be kept back, or occupied by any without the licence of the Lord: also what land it is, and how much land hath been so occupied and of what value by the yere the same is, & present it. Concealed land.

49 Also you shall enquire whether ỳ lord haue any villaine within his Lordship, and what goods, cattels, & lands hee hath, what estate hee hath, that the Lord may seise thereupon: also what other things he hath: also if any villain carrie his goods out of his Lordship without licence of the Lord: or if any Freeman espouse a Niese without licence of the Lord, you shall present the same. Note if a villaine purchase land, & doth alien the same to another before the Lord enter, then the Lord after shal not enter: otherwise it is if the lord enter before the alienation of the villaine: the same law is of goods, but the Lord may not seise the gwds ỳ the villain hath as Executor. Whether the Lord haue villaine within the Lordship.

50 Also you shall enquire if any trespasse be done in any of the Lords liberties, viz. in his corne, grasse, meadowes, pasture, woods, hedges, waters, or ponds: or if any take honie, swarmes of bees, or any Hawkes, or ayrie of Hawks, or such like trespasse, and present them. Trespasse in the Corne, Grasse, &c.

51 Also you shal enquire if any land be inclosed,

For incloſing in ſeueralty grounds without licence of the Lord &c.

incloſed, & the ſame kept in ſeueraltie, which ought to lie open, without licence of the Lord and other freeholders, you ſhall preſent the ſame, for that no tenant of the Lordſhip ſhall loſe the Common in the ſame.

A Copiholder may not let longer than a yeare and a day.

52 Alſo if any Copiholder let his Copihold land for longer time than a yeare and a day, without licence, except it be by cuſtome that he may let for longer time, and if he doe, it is a forfeiture, and preſent the ſame.

Whether any be outlawed.

53 Alſo you ſhall enquire whether any tenant of this Lordſhip hath been outlawed in any action of Treſpaſſe, or other action, and preſent it, and whether the Lord be aunſwered of his goods and Cattels, yea or no, & preſent the ſame.

Graunting greater eſtates

54 Alſo you ſhal enquire whether any tenant for yeres, or life, haue grãted any greater or larger eſtate thã they had in their lãds or tenements, yea or no, and preſent it, for ỹ is a forfeiture of their eſtates.

Whether the Bailife and other Officers do execute their Office.

55 Alſo you ſhall enquire if the Bailife, Headborough, Conſtable, and Hatward, and all other Officers, haue wel & truely executed their Offices, yea or no, and preſent it.

Note, Headborough nor Conſtable be not to preſent in a Court Baron.

Whether the default and plaints be amended.

56 To conclude, you ſhall enquire whether all the defaults and plaints that were preſen

ted

ted at the laſt court be ſufficiently amended, yea or no, and whether all the orders & lawes heretofore made be obſerued and kept, yea or no, and preſent it. And further, you ſhall enquire for all things which in your conſciẽces, you thinke ought to bee ſearched & enquired of, and by the oathes that you haue taken you ſhall truely and diligently enquire of all the premiſſes, and plainly without concealing of any fault, bring in a true verdict in writing, ſubſcribed with your owne hands, ſealed with your ſeales, by ſuch an houre, or as ſoon as you can.

It is needleſſe but in caſe of Felonie for to deliuer their verdict ſealed, and then it muſt bee indented: but it is conuenient to haue it in writing, written or ſubſcribed by them, or one of them, but not neceſſarie: But to auoid the blame, ignomy or ſlander, the Steward might incurre, if they did after deny their doings.

57 And finally, if you ſhall know any thing that ought to be preſented to the Lords aduantage, you ſhal do vs to wit by the oath that you haue made, and bring vs in a true preſentment. And now you may depart and enquire of your charge, hauing a regard of your oaths.

Finis de le charge de Court Baron.